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9/8/10

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FIDELITY BROKERAGE SERVICES LLC,

Plaintiff,

v.

MARSHALL CARO, WALTER RAQUET,
INDII.COM USE LLC, AND BILL ROTHFARB,

Defendants.

10 CIV 5893 (BSJ)

**ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION,
TEMPORARY RESTRAINING
ORDER, AND RELATED RELIEF**

Upon the affidavit of Michael G. Shannon, sworn to the 7th day of September, 2010, and the annexed affidavit of Christian Jeri, sworn to the 20th day of August, 2010, upon the Memorandum of Law of Plaintiff Fidelity Brokerage Services LLC ("Fidelity") dated September 7, 2010, and upon the copy of the complaint hereto annexed, it is

ORDERED, that the defendants Marshall Caro, Walter Raquet, Indii.com USE LLC, and Bill Rothfarb ("Defendants") show cause before a motion term of this Court, at Room 1920, United States Courthouse, 500 Pearl Street, in the City, County and State of New York, on Sept. 16, 2010, at 10:00'clock in the fore noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to 28 U.S.C. §§ 1335 and 2361 granting Fidelity's request for Interpleader, dismissing Fidelity from this action, discharging Fidelity from further liability, awarding Fidelity its attorneys' fees and costs of bringing this action, permanently enjoining Defendants from instituting or prosecuting any action against Fidelity or any subsidiary, parent company or affiliated company of Fidelity, with regards to the account in the name of defendant Indii.com USE LLC (account number ###-

##3272) that Fidelity is the custodian of (the "Indii.com Account"), and awarding Fidelity such other and further relief as the Court may deem just; and it is further

ORDERED that, sufficient reason having been shown therefor, pending the hearing of Fidelity's application, pursuant 28 U.S.C. §§ 1335 and 2361 Defendants are temporarily restrained and enjoined from instituting or prosecuting any proceeding in any State or United States court affecting the Indii.com Account until further order of this Court; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1335 Fidelity shall liquidate the positions in the Indii.com Account and deposit the funds of the Indii.com Account into the Registry of this Court; and it is further

ORDERED that, pursuant to 28 U.S.C. § 2361 service of a copy of this order and annexed affidavit and memorandum of law shall be served by ~~the United States marshal~~ on defendant Marshall Caro to his attorney, Donna Drumm, Esq., at One North Broadway Suite 512 White Plains, New York 10601, on defendant Walter Raquet at 215 Via Del Mar, Palm Beach, Florida 33480, on defendant Indii.com USE LLC to its attorney, Donna Drumm, Esq., at One North Broadway Suite 512 White Plains, New York 10601, and on defendant Bill Rothfarb to his attorney, Evan Rothfarb, at 11 Broadway, Suite 615, New York, NY 10004, or by Fed Ex

Overnight Delivery to the Defendants at the addresses listed above by Sept. 13

_____, 2010 by overnight Fedex or email. by:

DATED: New York, New York

ISSUED: 750 a. M

Barbara S. Jones
United States District Judge

194711.1

no bond required
bj